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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF OREGON

9 TAMLA RENCHER, and TERRY
10 VANCE, JR.,

Civil No. 03-166-AA
ORDER

11 Plaintiffs,

12 vs.

13 JOHN CHILDS and NW FREEDOM
CORP., an Oregon corporation,

14 Defendants.
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16 AIKEN, Judge:

17 Defendants have filed a motion to reopen discovery. That
18 motion is granted for the limited purpose as expressed in the
19 motion.

20 The court notes that this straightforward breach of contract
21 case, in this court due to diversity, was filed by plaintiffs on
22 February 6, 2003. The parties proceeded to engage in heated and
23 protracted discovery disputes, resulting in five motions to
24 compel filed by the parties and a tremendous amount of time by
25 this court attempting to sort out the parties' disputes.

26 On February 10, 2003, the parties were scheduled to appear
27 before Judge Coffin for a settlement conference. On February 6,
28 2003, the parties contacted Judge Coffin and requested that the

1 settlement conference be stricken. After that date, the
2 discovery disputes continued. Now, nearly, 1 ½ years later, the
3 parties are still engaged in discovery battles, the most recent
4 battle culminating after defendants filed a summary judgment
5 motion. Defendants allege that plaintiffs filed "suspect
6 evidence" to support its opposition to defendants' summary
7 judgment motion and has requested that the court reopen discovery
8 to allow investigation into this issue. Defendants allege that
9 despite a request to the plaintiffs requesting a "synopsis" of
10 this witnesses testimony, it was never forthcoming by the
11 plaintiffs. Plaintiffs, of course, dispute this.

12 I will allow defendants' motion to reopen discovery for this
13 limited purpose and will allow the defendants' to supplement
14 their summary judgment motion; and similarly, allow the
15 plaintiffs leave to supplement their opposition based on any new
16 evidence uncovered via this discovery. Any supplemental filing
17 by the defendants is due July 22, 2005. Further, any
18 supplemental response by the plaintiffs is then due August 5,
19 2005.

20 However, the court strongly suggests that the parties
21 consider contacting Judge Coffin and requesting that this case be
22 scheduled for a settlement conference. The court respectfully
23 suggests that the parties' efforts, time and money, in this now
24 2 ½ year old simple breach of contract case, will be best
25 utilized with Judge Coffin.

26 CONCLUSION

27 Defendants' motion to reopen discovery (doc. 121) is granted
28 for the limited purpose as expressed in defendants' motion.

1 Moreover, defendants' summary judgment motion (doc. 95) is stayed
2 pending any supplemental briefing. Defendants' supplemental
3 memorandum is due July 22, 2005, any supplemental response by
4 plaintiffs is due August 5th, 2005. The court will then take the
5 matter under advisement and stand ready to rule.

6 The parties are asked to contact this court if a settlement
7 conference with Judge Coffin is scheduled and the court will hold
8 this briefing schedule in abeyance. Further, if the court does
9 not receive notice from the parties within ten days regarding
10 movement towards scheduling a settlement conference with Judge
11 Coffin, the court will contact the parties to schedule a
12 telephone status conference to set a trial date.

13 IT IS SO ORDERED.

14 Dated this 24 day of June 2005.

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18 /s/ Ann Aiken
19 Ann Aiken
20 United States District Judge
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